

**FILED  
UNDER  
SEAL**

Prob12C  
D/NV Form  
Rev. March 2017

United States District Court  
for  
the District of Nevada

---

---

PETITION FOR SUMMONS  
FOR OFFENDER UNDER SUPERVISION

---

---

Name of Offender: **Nelson Gumpal Malacas**

Case Number: **2:21CR00151**

Name of Sentencing Judicial Officer: **Honorable Richard F. Boulware**

Date of Original Sentence: **September 16, 2019**

Original Offense: **Possession of Stolen Mail**

Original Sentence: **60 Months probation**

Date Supervision Commenced: **September 16, 2019**

Date Jurisdiction Transferred to District of Nevada: **June 3, 2021**

Name of Assigned Judicial Officer: **Honorable Richard F. Boulware**

---

---

PETITIONING THE COURT

☒ To issue a summons:

---

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Do Not Unlawfully Use Controlled Substance** - You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.
  - A. On April 27, 2021, Malacas Admitted in writing to the use of methamphetamine. Subsequently, Malacas submitted a drug test that yielded a positive result for methamphetamine. This test was confirmed positive by the National Laboratory.

**RE: Nelson Gumpal Malacas**

Prob12C  
D/NV Form  
Rev. March 2017

B. Malacas failed to submit required drug/alcohol tests on the following dates:

September 5, 2019  
October 13, 2019  
November 1, 2019  
January 12, 2020  
April 24, 2021  
May 4, 2021  
May 9, 2021  
May 20, 2021  
May 25, 2021  
May 28, 2021  
June 3, 2021  
June 8, 2021  
June 11, 2021  
June 17, 2021  
June 20, 2021  
June 24, 2021

2. **Work Full Time** - You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

On June 15, 2021, the undersigned officer made contact with Malacas's employer. It was advised that Malacas is no longer employed and his employment was terminated on May 21, 2021 for poor attendance. Malacas failed to report a change of employment to the probation officer.

**RE: Nelson Gumpal Malacas**

Prob12C  
D/NV Form  
Rev. March 2017

3. **Substance Abuse Treatment** – You must participate in an outpatient substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).

Malacas failed to attend a substance abuse treatment intake on the following dates:

May 21, 2021

June 11, 2021

June 25, 2021

4. **Community Service** – You must complete 40 hours of community service within four months. The probation officer will supervise the participation in the program by approving the program (agency, location, frequency of participation, etc.). You must provide written verification of completed hours to the probation officer.

On November 20, 2019, Malacas's conditions of supervised release were modified to complete 40 hours of community service within four months. Malacas has failed to complete these hours to date.

5. **Must Not Leave District** - You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.

In November of 2019, Malacas traveled to Arizona without permission.

**U.S. Probation Officer Recommendation:**

The term of supervision should be:

☒ Revoked

I declare under penalty of perjury that the  
information contained herein is true and correct,

Executed on **June 29, 2021**

Digitally signed by  
Brianna King  
Date: 2021.06.30  
07:34:59 -07'00'



---

Brianna King  
United States Probation Officer

**RE: Nelson Gumpal Malacas**

Prob12C  
D/NV Form  
Rev. March 2017

Approved:



Digitally signed by  
Brian Blevins  
Date: 2021.06.29  
16:49:07 -07'00'

Brian Blevins  
Supervisory United States Probation Officer

---

---

***THE COURT ORDERS***

---

- ☐ No Action.
- ☐ The issuance of a warrant.
- ☒ The issuance of a summons.
- ☐ Other:



RICHARD F. BOULWARE, II  
United States District Judge

July 2, 2021

Date

**RE: Nelson Gumpal Malacas**

Prob12C  
D/NV Form  
Rev. March 2017

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA  
UNITED STATES V. NELSON GUMPAL MALACAS, 2:21CR00151**

---

**SUMMARY IN SUPPORT OF PETITION FOR SUMMONS  
June 29, 2021**

---

On September 16, 2019, Macalas appeared before the Honorable Susan M. Brnovich, United States District Judge for the District of Arizona and was sentenced to five years of probation for committing the offense of Possession of Stolen Mail. Probation commenced in the District of Nevada on September 16, 2019.

On November 4, 2019, a violation report was submitted to the District of Arizona requesting that Malacas' conditions of supervision be modified to include the completion of 40 hours of community service work due to his failure to comply with drug testing requirements. Specifically, since the onset of supervision, Malacas had failed to show for three drug tests, on October 13, 2019, November 1, 2019, and October 28, 2019. Additionally, in November 2019, Malacas traveled to Arizona without permission from the undersigned officer. The District of Arizona concurred with the recommendation and his conditions of supervision were modified. The community service hours have not been completed to date.

On January 12, 2020, Malacas failed to report for drug testing as directed. On January 13, 2020, he was called into the probation office to submit a drug test; which was negative. Malacas was verbally reprimanded for this violation and warned that any further violations would result in Court action.

On April 21, 2021, Malacas reported to the probation office as directed to submit a drug test. Prior to administering the drug test, Malacas admitted to using methamphetamine and marijuana the weekend prior. Following his admission, Malacas submitted a drug test that yielded a positive result for methamphetamine. Subsequently, Malacas was referred to Substance Abuse Treatment to help treat his substance abuse issues and his drug testing frequency was increased.

On May 11, 2021, a violation report was submitted to the District of Arizona advising of the above violations. The United States Court in the District of Arizona acknowledged the above violations and initiated transfer of jurisdiction to the District of Nevada. Jurisdiction was accepted on June 3, 2021.

Malacas was scheduled to attend a Substance Abuse Treatment intake with Bridge counseling on May 21, 2021. Malacas failed to attend this appointment, and he failed to attend two more scheduled intakes on June 11, 2021, and June 25, 2021.

In total, Malacas has failed to submit 16 required drug/alcohol tests as noted above since his commencement of supervised release. All attempts to work with Malacas to obtain compliance with drug test have been unsuccessful.

**RE: Nelson Gumpal Malacas**

Prob12C  
D/NV Form  
Rev. March 2017

On June 15, 2021, the undersigned officer made contact with Malacas' reported employer. It was advised that Malacas was terminated from employment on May 21, 2021, due to poor attendance. Malacas failed to report a change of employment to the undersigned officer.

Malacas has been unreachable since April 28, 2021 for unknown reasons. The undersigned officer has attempted to contact him by phone on multiple occasions. Additionally, the undersigned officer attempted to contact Malacas at his residence on June 13, 2021, and June 15, 2021; Malacas was not home during either visit. The undersigned officer left a business card in the door at each visit; however, he failed to contact the undersigned officer. Malacas was believed to have absconded until he contacted the undersigned officer via text message on June 27, 2021, regarding his most recent missed treatment assessment.

The probation department has been attempting to work with Malacas since his commencement of probation; however, he continues to violate his conditions of probation. At the onset of supervision, his violation conduct consisted of leaving the district without permission and missed drug tests. More recently, Malacas's violation conduct has escalated to the use of illegal substances. Malacas was offered substance abuse treatment on three different occasions to which he failed to comply. Based upon his continued pattern of violation conduct, it is believed that Malacas is not interested in participating in his term of probation. It is respectfully recommended that his term of probation be revoked.

Respectfully submitted,



Digitally signed by  
Brianna King  
Date: 2021.06.30  
07:36:01 -07'00'

---

Brianna King  
United States Probation Officer

Approved:



Digitally signed by Brian  
Blevins  
Date: 2021.06.29  
16:49:32 -07'00'

---

Brian Blevins  
Supervisory United States Probation Officer